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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Joel Queirel

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YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA, VA 22314

EXAMINER

MYERS, JESSICA L

ART UNIT

PAPER NUMBER

3746

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,653	Applicant(s) QUEIREL, JOEL	
	Examiner JESSICA L. MYERS	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/21/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment and arguments filed on 8/21/2008 under 37 CFR 1.131 have been entered and considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,888,053 to Kobayashi et al. (Kobayashi et al.).

In Reference to Claim 1

Kobayashi et al. teaches electrically driven pump for the maintenance of swimming pools (the pump of Kobayashi et al. could be used for the maintenance of swimming pools), characterized in that it comprises an electric motor (canned motor (6)) having a drive shaft (main shaft (7)), the shaft having, at each of the axial ends thereof, a shaft output and two pump impellers (see figure 1, where each end of the shaft has two impellers attached to it), each shaft output driving a respective pump impeller (upper impeller (8D) and lower impeller (8B)), the first of the impellers operating at a low pressure and high flow rate (the lower impeller (8B) operates at a first pressure and a first flow rate), and the

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second of the impellers operating at a higher pressure and lower flow rate (the upper impeller (8D) receives the compressed fluid from the lower impellers and further compresses it, resulting in a lower flow rate of the fluid at a higher pressure), the two impellers having separate outlets (the lower impeller (8B) has an outlet formed in the guide unit (48), while the upper impeller (8D) has a discharge window (2C)).

In Reference to Claim 2

Kobayashi et al. teaches the pump according to claim 1 (see the rejection of claim 1 above), characterized in that the water pumped by the second pump impeller circulates around the motor in order to cool the motor (the liquid received by the upper impeller (8D) first passes through annular fluid passage (40) which surrounds the motor (6) and would transfer heat from the motor as it is pumped around it).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. in view of U.S. Patent 5,392,473 to Idland et al. (Idland et al.).

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In Reference to Claim 3

Kobayashi et al. teach the pump according to claim 1 (see the rejection of claim 1 above), but do not teach that water pumped by the second pump impeller is drawn off close to the outlet of the first pump impeller and returns to the inlet of the second impeller.

Idland et al. teach a pump (33) for a spa apparatus, where the pump has an inlet (33a) and an outlet (33b), and where a duct (40) is used to draw off water from the outlet of the pump to the inlet of the pump and the drawn off water is used to cool the motor (45). It would have been obvious to one of ordinary skill in the art at the time of invention to draw off pumped fluid from the outlet of the pump (the outlet of the pump's final stage (8D)) and feed it back to the inlet of the pump (the inlet of the pump's first stage (8A)) of Kobayashi et al. as taught by Idland et al. in order to better equalize the forces applied to the pump shaft due to the pressures in each pump stage.

In Reference to Claim 4

Kobayashi et al. as modified by Idland et al. teach the pump according to claim 3 (see the rejection of claim 3 above), characterized in that the draw-off location is located in a low-pressure pump body, upstream of the low-pressure outlet (one end of the draw off pipe (40b) is located upstream of the low pressure inlet of the pump).

In Reference to Claim 5

Kobayashi et al. as modified by Idland et al. teach the pump according to claim 4 (see the rejection of claim 4 above), characterized in that the circulation

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of the water pumped by the second pump impeller (part of the water leaving the pump outlet of Idland et al. is redirected through duct (40)) is carried out in a coiled pipeline which surrounds the motor (the duct (40) of Idland et al. is formed as a coiled pipeline that surrounds the motor).

In Reference to Claim 6

Kobayashi et al. as modified by Idland et al. teach the pump according to claim 4 (see the rejection of claim 4 above), characterized in that the circulation of the water pumped by the second pump impeller is carried out in a cylindrical space formed around the motor (the liquid received by the upper impeller (8D) first passes through annular fluid passage (40) which surrounds the motor (6) and would transfer heat from the motor as it is pumped around it), between the motor and an external housing (the annular fluid passage (40) is formed between the outer wall of the canned motor (6) and the inner wall of the outer cylinder (2) of the pump casing (1)).

In Reference to Claim 11

Kobayashi et al. teach the pump according to claim 2 (see the rejection of claim 2 above), but do not teach that water pumped by the second pump impeller is drawn off close to the outlet of the first pump impeller and returns to the inlet of the second impeller.

Idland et al. teach a pump (33) for a spa apparatus, where the pump has an inlet (33a) and an outlet (33b), and where a duct (40) is used to draw off water from the outlet of the pump to the inlet of the pump and the drawn off water is used to cool the motor (45). It would have been obvious to one of ordinary skill in

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the art at the time of invention to draw off pumped fluid from the outlet of the pump (the outlet of the pump's final stage (8D)) and feed it back to the inlet of the pump (the inlet of the pump's first stage (8A)) of Kobayashi et al. as taught by Idland et al. in order to better equalize the forces applied to the pump shaft due to the pressures in each pump stage.

6. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. in view of Idland et al., and in further view of U.S. Patent 5,049,770 to Gaeth et al. (Gaeth et al.).

In Reference to Claim 7

Kobayashi et al. as modified by Idland et al. teaches the pump according to claim 6 (see the rejection of claim 6 above), but do not teach that the body of the low pressure pump is releasable from the motor, the housing, and the impellers.

Gaeth et al. teach a pump where the impeller body (impeller housing (14)) is releasable from the motor (electric motor assembly (22)), housing (mounting plate (12) and silencer housing (16)), and pump impellers (impeller (108)) (see column 7, lines 5- 36). It would have been obvious to one of ordinary skill in the art at the time of invention to make the low pressure impeller housing of Kobayashi et al. as modified by Idland et al. releasable from the motor, housing and impellers as taught by Gaeth et al. in order to allow the impeller to be easily replaced or serviced.

In Reference to Claim 8

Kobayashi et al. as modified by Idland et al. and Gaeth et al. teaches a pump according to claim 7 (see the rejection of claim 7 above), characterized in that the releasable connection between said assembly and the low-pressure pump body is carried out by means of bayonet-type locking (lock recesses (127) of Gaeth mate with lock arms (130) in the bayonet style, see column 7, lines 5-36).

Response to Arguments

7. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 4,969,803 to Turanskyj teaches another similarly arranged compressor unit.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA L. MYERS whose telephone number is (571)270-5059. The examiner can normally be reached on Monday through Friday, 8:30am to 5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on 571-272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Devon C Kramer/
Supervisory Patent Examiner, Art
Unit 3746

/JLM